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HUMAN RIGHTS COMMITTEE
Seventy-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Sweden

1. The Committee considered the fifth periodic report of Sweden (CCPR/C/SWE/2000/5) at its 1989th and 1990th meetings (CCPR/C/SR.1989), on 20 March 2002, and adopted the following concluding observations at its 2003rd and 2004th meetings (CCPR/C/SR.1990), on 1 April 2002.

A. Introduction

2. The Committee welcomes the timely submission of the report by the State party in accordance with the guidelines. The Committee notes with appreciation that the report contains useful information on developments since the consideration of the fourth periodic report. The Committee also welcomes the responses given to the questions raised and the concerns expressed during the consideration of the report. Moreover, the Committee draws attention to the frankness of the dialogue with the delegation and to the useful oral clarifications provided. Lastly, the Committee takes note with appreciation of the importance accorded by the delegation to the role of non-governmental organizations in promoting and protecting human rights and to their contributions to the observance of the Covenant.

B. Positive aspects

3. The Committee welcomes the adoption:

(a) In January 2002, of the National Plan of Action for Human Rights, whose priorities include protection against discrimination, the rights of the disabled, children and the elderly, the right to housing, national minorities, the Sami people, deprivation of freedom, and freedom of expression and religion;

(b) In February 2001, of the National Plan of Action against Racism, Xenophobia, Homophobia and Discrimination;

(c) In 1997, of the National Plan of Action against the Sexual Exploitation of Children for Commercial Purposes.

4. The Committee notes with satisfaction the legislative amendments giving access, as from 1 January 2002, to pre-school, primary and secondary education, and health care to children requesting asylum, on the same conditions as children residing in Sweden.

5. The Committee commends the State party for its sustained role in the international community's efforts to abolish the death penalty.

C. Principal subjects of concern and recommendations

6. The Committee, while commending the way in which the courts refer to the Covenant in interpreting rights, regrets that the Covenant as such may not be directly invoked before Swedish courts or before the administrative authorities. In this connection, it notes that in certain areas (arts. 25, 26 and 27) the Covenant gives greater protection than is accorded under the European Convention on Human Rights, which has been incorporated in Swedish domestic law.

The State party should ensure that its domestic legislation gives full effect to the rights embodied in the Covenant and that remedies are available for the exercise of those rights.

7. The Committee notes with concern the persistence of domestic violence despite legislation adopted by the State party (arts. 3 and 7 of the Covenant).

The State party should pursue its policy against domestic violence and, in this framework, should take more effective measures to prevent it and assist the victims of such violence.

8. The Committee notes with concern cases of female genital mutilation and "honour crimes" involving girls and women of foreign extraction (arts. 3, 6 and 7 of the Covenant).

The State party should continue its efforts to prevent and eradicate such practices. In particular, it should ensure that offenders are prosecuted, while promoting a human rights culture in the society at large, especially among the most vulnerable sectors of immigrant communities.

9. The Committee expresses its concern at the recognition of early marriage involving girls of non-Swedish nationality who are resident in Sweden (arts. 3 and 26 of the Covenant).

The State party should take vigorous measures to provide better protection for minors in the matter of marriage and eliminate all forms of discrimination among them.

10. The Committee notes with concern several cases of excessive use of force by the police which led to serious injury and death, for example of persons in custody or during the Goteborg summit (arts. 6, 7 and 10 of the Covenant).

The State party should ensure the completion of investigations into such use of force, in conditions of total transparency and through a mechanism independent of the law enforcement authorities. Depending on the results of the investigations, it should expedite the prosecution of law enforcement officers implicated. The State party should also guarantee better human rights training of police officers. During demonstrations, the State party should ensure that no equipment that can endanger human life is used.

11. The Committee notes the lack of clarity relating to the right of the accused to an assigned lawyer and to an interpreter (art. 14 of the Covenant).

The State party is invited to provide the necessary clarifications to assure the Committee that legislation and practice in this area are compatible with article 14 of the Covenant.

12. While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden, in particular for persons of foreign extraction. The Committee is concerned at cases of expulsion of asylum-seekers suspected of terrorism to their countries of origin. Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees (two visits by the embassy in three months, the first only some five weeks after the return and under the supervision of the detaining authorities) (arts. 6 and 7 of the Covenant). The Committee also stresses the risk of violations of fundamental rights of persons of foreign extraction (freedom of expression and privacy), in particular through more frequent recourse to telephone tapping and because of an atmosphere of latent suspicion towards them (arts. 13, 17 and 19 of the Covenant).

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse.

(b) In addition, the State party should maintain its practice and tradition of observance of the principle of non-refoulement. When a State party expels a person to another State on the basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance of the receiving State with these assurances from the moment of expulsion.

(c) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

13. The Committee expresses its concern at reports of persistent manifestations of racism and xenophobia, whether refusal of access to public places because of ethnicity or difficulties for foreigners in the job market (arts. 19 and 26 of the Covenant).

The State party must make a sustained effort to improve the application of laws punishing racially motivated crimes, the integration into society of members of minority groups and the dissemination of a culture of tolerance, in particular as part of primary and secondary education.

14. The Committee is deeply concerned at the existence and considerable activism of neo-Nazi organizations and by the production and distribution of so-called "white power" music preaching the superiority of the white race (art. 20 of the Covenant).

The State party should take steps to review its policy towards the establishment and operation of racist, xenophobic and, especially, neo-Nazi organizations. It should also review its attitude towards the production and distribution of so-called "white power" music.

15. The Committee is concerned at the limited extent to which the Sami Parliament can have a significant role in the decision-making process on issues affecting the traditional lands and economic activities of the indigenous Sami people, such as projects in the fields of hydroelectricity, mining and forestry, as well as the privatization of land (arts. 1, 25 and 27 of the Covenant).

The State party should take steps to involve the Sami by giving them greater influence in decision-making affecting their natural environment and their means of subsistence.

16. The State party should disseminate widely the text of its fifth periodic report and the present concluding observations.

17. In accordance with article 70, paragraph 5, of the Committee's rules of procedure, the State party should provide within one year the relevant information on the implementation of the Committee's recommendations in paragraph 12 concerning in particular the monitoring of the cases of persons expelled. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 April 2007, information on the other recommendations made and on the Covenant as a whole

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